



# FloorPrep

Legislative Digest

Friday, July 17, 1998

John Boehner  
Chairman  
8th District, Ohio

*House Meets at 9:00 a.m. for Legislative Business*

*Anticipated Floor Action:*

**H.R. 4194—FY 1999 VA/HUD Appropriations Act**



## **H.R. 4194—FY 1999 VA/HUD Appropriations Act**

**Floor Situation:** The House will consider H.R. 4194 as its first order of business today. Yesterday, the House adopted a rule providing for one hour of general debate, equally divided between the chairman and ranking minority member of the Appropriations Committee. The rule waives points of order against the bill for containing measures within the jurisdiction of the Budget Committee that were not reported by it. It also waives House rules prohibiting unauthorized appropriations, legislative measures in an appropriations bill, and reappropriations, except for measures to increase FHA loan limits and require the Consumer Product Safety Commission to restore fire retardant standards for children's sleepwear. The rule accords priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. In addition, the rule makes in order one specific amendment—by Messrs. Leach and Lazio—for the amount of time specified below and waives points of order against it. The rule permits the chairman of the Committee of the Whole to postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

**Summary:** H.R. 4194 appropriates \$94.4 billion in new budget authority—\$4.4 billion more than in FY 1998 (\$3.1 billion more in discretionary spending) and \$7.8 billion less than the president's request (because of \$7.7 billion in advance appropriation requests by the president)—for veterans benefits, housing programs, and various agencies dealing mostly with science, space, and the environment. A majority of these funds, \$71 billion, go toward discretionary spending programs, while the remaining \$22.3 billion is mandatory spending (outside of the control of the Appropriations Committee).

A large portion of the bill's funding, \$42.3 billion, supports the Department of Veterans Affairs' efforts to provide extensive health, housing, education, and compensatory benefits to military veterans

and their dependents. The measure provides \$26.6 billion for the Department of Housing and Urban Development (HUD)—\$5.1 billion more than in FY 1998 and \$1.7 billion more than the president's request—including \$9.6 billion for Section 8 housing rental assistance. The bill increases funding for homeless assistance to \$975 million (a \$152 million increase) and provides \$4.7 billion for community development block grants. In addition, the measure increases the value of home mortgages that the Federal Housing Administration may insure from \$86,317 to \$109,032 in most areas of the country and from \$109,032 to \$197,620 in high cost areas.

H.R. 4194 provides \$7.4 billion for the Environmental Protection Agency (a \$59.6 million increase). This amount includes: (1) \$656.5 million for EPA research and development (a \$25.5 million increase); (2) \$1.5 billion for Superfund cleanup work, which includes \$75 million for the "brownfields" program; (3) \$1.25 billion for clean water state revolving funds and \$775 million for safe drinking water state revolving funds; and (4) \$817.3 million for the Federal Emergency Management Agency (FEMA). The measure also provides \$13.3 billion for the National Aeronautics and Space Administration (NASA), including (1) \$3.1 billion for the space shuttle program, (2) \$2.1 billion for the International Space Station, (3) \$1.35 billion for the Earth Observing System, and (4) \$3.6 billion for the National Science Foundation. Finally, the measure eliminates funding for the AmeriCorps program.

CBO estimates that enactment of H.R. 4194 will result in outlays of \$52.5 billion in FY 1999, \$22.5 billion in FY 2000, \$9.6 billion in FY 2001, \$3.9 billion in FY 2002, and \$4.1 billion in FY 2003 and future years. The bill was submitted by Mr. Lewis (CA); the Appropriations Committee ordered the bill reported by voice vote on June 24, 1998.

**Views:** The Republican leadership supports passage of the bill. The Clinton Administration has threatened to veto the bill if it is not modified from its present form. Specifically, the administration opposes (1) the funding reductions for certain programs, including the AmeriCorps program; (2) bill language placing restrictions on the EPA; and (3) the Leach-Lazio housing amendment in its present form.

**Amendments:** The rule makes in order one specific amendment—by Messrs. Leach and Lazio (see below)—debatable for 40 minutes, equally divided between a proponent and an opponent. At press time, the *Legislative Digest* was aware of the following amendments to H.R. 4194:

**Mr. Allen** may offer an amendment to clarify that committee report language restricting a number of EPA activities does not apply to EPA regulatory determinations for mercury emissions from utilities. The committee report directs the EPA to complete various studies before issuing rules limiting mercury emissions from utilities. The EPA recently issued two reports to Congress addressing mercury emissions and in April 1998, the agency announced it intended to make a regulatory determination about supplemental controls on utility mercury emissions by November 15, 1998. The Appropriations Committee believes that there is insufficient scientific understanding of mercury and that additional time is needed before the EPA finalizes any regulatory determinations. However, the sponsor contends that the language impedes the EPA's ability to address this issue and impedes the public's right to know how much mercury their local utility releases into the air each year. **Staff Contact: Stella Livanios, x5-6116**

**Mr. Bereuter** may offer an amendment (#1) to reduce the total funding for the Office of the EPA Administrator by \$15 million. **Staff Contact: Allen Feyerherm, x5-4806**

**Mr. Bereuter** may offer one of two amendments (#2 or #20) to:

- \* prohibit the use of EPA funds to continue implementing treatment requirements for copper levels in drinking water until certain studies are completed by the EPA and the Centers for Disease Control. Upon completing the studies, the EPA may then establish an appropriate copper level based on the studies' results; and
- \* prohibit the use of EPA funds to implement or enforce any national primary drinking water regulation for copper. The sponsor of the amendment maintains that the EPA is implementing a rule on copper concentrations in drinking water that is not supported by available scientific evidence. *Staff Contact: Allen Feyerherm, x5-4806*

**Mr. Bereuter** may offer an amendment (#3 or #21) to prohibit the use of EPA funds to propose, promulgate, or implement any rule that requires public water systems that rely on groundwater to use disinfection. The sponsor contends that, since the statutory deadline for the groundwater rule is May 2002, the amendment simply prevents the EPA from hastily promulgating a rule that is not based on sound science. *Staff Contact: Allen Feyerherm, x5-4806*

**Mr. Engel** may offer an amendment to express the sense of Congress that public water systems supplied by surface water sources that are required to use water filtration to meet federal drinking water standards should be allowed to apply to EPA to use alternative means of meeting drinking water standards. *Staff Contact: Oliver Kellman, x5-2464*

**Mr. Greenwood** may offer an amendment (#13) to clarify that the bill language that prohibits implementation of the Kyoto Protocol on climate change does not prevent any action that is authorized by current law. *Staff Contact: Judy Borger, x5-4276*

**Mr. Gutierrez** may offer an amendment (#4) to enable members or former members of a reserve component (National Guard and reserves) to access sexual trauma counseling and treatment at VA facilities in the same manner as other former military personnel. In addition, the amendment reauthorizes the VA sexual trauma counseling program through December 31, 2002. *Staff Contact: Mark Fine, x5-8203*

**Mr. Hinchey** may offer an amendment to prohibit the use of VA funds to implement the Veterans Equitable Resource Allocation system (VERA). VERA was established to provide medical care funding to regions across the country in a more equitable fashion. The system was created in response to findings that indicated the veteran population is shifting to different parts of the country but health care dollars are not. The VA's plan employs an allocation formula that ties funding for each of the 22 geographic regions to the numbers of veterans they actually serve. Some lawmakers fear that the Northeast and Midwest (where the veterans population is decreasing) may lose funding and subsequently result in a decrease in both the quantity and quality of health care. *Contact: x5-6335*

**Mrs. Kelly** may offer an amendment to require the Veterans Secretary to make available \$20 million for Veterans Integrated Service Network-3 (VISN-3; which covers the New York area) in the form of a one-time credit toward funding reductions required under the Veterans Equitable Resource Allocation system. A General Accounting Office study revealed that the VISN-3 director returned \$20 million of the FY 1997 budget to Washington, at the same time the Office of the Medical Inspector found more than 156 separate health and safety violations. Further, none of the \$20

million was credited toward the network's total funding reduction required by the Veterans Equitable Resource Allocation system. The committee report urges the VA Secretary to make the one-time credit. **Staff Contact: Al Garesche, x5-5441**

**Mrs. Jackson-Lee** may offer an amendment (#14 or #23) to increase funding for the Section 8 housing vouchers for the welfare-to-work program by \$183 million and offset the increase by reducing funding for the public housing capital fund by an equal amount. **Staff Contact: Diego Alvarez, x5-3816**

**Messrs. Leach and Lazio** will offer an amendment (#12), debatable for 40 minutes, to replace the 1937 United States Housing Act—the basis of all federal housing programs—with a new housing framework (essentially the House-passed version of H.R. 2, the Housing Opportunity and Responsibility Act). The amendment consolidates into a new block grant program the existing programs through which tenant-based rental assistance is currently provided through Section 8 certificates and vouchers. It creates new rental assistance programs very similar to vouchers, known as “Choice-Based Housing Assistance,” which provide rental assistance for a single year at a time (currently, most vouchers provide assistance for two years) and allow families to use their vouchers for housing anywhere in the United States.

The amendment also (1) deregulates the public housing system by giving more decision making responsibilities to the nation's 3,400 public housing authorities (PHAs); (2) repeals the so-called “Brooke Amendment” and allows recipients to pay either a flat rent or an amount up to 30 percent of their income; (3) requires able-bodied individuals who live in public housing or who receive rental assistance to contribute eight hours of community service per month or participate in an accepted economic self-sufficiency program (e.g., job training); (4) requires that at least 35 percent of public housing residents have incomes at or below 30 percent of area median income (65 percent of new tenants may be from the “working poor,” those who hold jobs and earn no more than 80 percent of an area's median income) for choice-based assistance requires that at least 40 of residents have incomes below 30 percent of area media income; and (5) makes federal housing grants through the Department of Housing and Urban Development (HUD) available to local governments to implement locally-developed proposals upon HUD's approval of the plan. The effective date for the provisions is in FY 2000. **Staff Contact: Aquiles Suarez, x5-6634**

**Mr. Riggs** may offer one of the two following amendments (#24 or #25) to:

- \* prohibit HUD funds from being provided to any locality that requires an organization to provide health care benefits to unmarried, domestic partners as a condition for that organization to contract with, or receive a grant from, the locality; or
- \* prohibit HUD funds from being provided to the city or county of San Fransisco.

Last year, the city of San Francisco adopted an ordinance requiring groups doing business with the city to provide domestic-partner benefits to their employees. This resulted in the Salvation Army (which provided beds and meals to AIDS patients) losing its funding because the group refused to comply with the ordinance. The sponsor of the amendment maintains that federal funds should not be used as a threat to force private groups and businesses to adopt policies they find morally objectionable. **Staff Contact: Mark Davis, x5-3311**

**Mr. Roemer** may offer an amendment (#5) to effectively eliminate funding for the international space station program. Specifically, the amendment reduces funding for the project by \$1.6 billion (leaving \$500 million available for close-out costs). In 1993, NASA indicated the space station would cost \$17.4 billion; however, that figure has continued to rise over the past five years. An independent review ordered by NASA recently stated that the project may cost \$24.7 billion. Congress has generally supported NASA's plan to build a permanently occupied space station in Earth orbit where astronauts will live and conduct research. NASA expects that research performed in the near-zero gravity environment of the space station will result in new discoveries in life sciences, biomedicine, and materials sciences. However, some lawmakers question why a space station is needed, how much it will cost, the degree to which it is dependent on Russian participation, and whether Russia can fulfill those commitments. *Staff Contact: Pete Spiro, x5-3915*

**Mrs. Roukema** may offer an amendment (#16) to permit Section 8 moderate rehabilitation contracts to be renewed at the lower of either the current rents or the HUD fair market rent. Current law permits renewal of such contracts only at the "base rent," which covers only operating expenses and not its debt service, thus placing owners of moderate rehabilitation projects (who may be struggling to pay debt service or finance the purchase of the project) in the position of whether or not to continue providing low-income housing. The sponsor of the amendment is concerned that the "base rent" requirement threatens the availability of affordable housing for low-income families. *Staff Contact: Chris Brinson, x5-4465*

**Mr. Sanford** may offer an amendment (#6, #17, or #26) to freeze the funding level for the National Science Foundation's (NSF) research and related activities account at the FY 1998 level (\$2.5 billion). The bill currently increases funding for the account by \$199.3 million. The intent of the amendment is to encourage the NSF to establish a priority system for awarding research grants and thus avoid awarding frivolous grants. *Staff Contact: Scott English, x5-3176*

**Mr. Stearns** may offer an amendment (#27) to ensure that no Council on Environmental Quality (CEQ) funds may be used to implement the American Heritage Rivers Initiative. The project, which is coordinated by the CEQ, is a Clinton Administration program initiated in 1997 to grant federal recognition to and coordinate federal aid for the restoration efforts of locally-nominated rivers. On June 16, 1998, the American Heritage Rivers Initiative Advisory Committee recommended 10 rivers for designation as American Heritage Rivers to the president. Supporters of the project argue that the program is voluntary and a worthwhile endeavor to support local efforts to enhance and restore rivers around the nation. However, critics of the initiative contend that this is yet another federal effort that may well infringe on the prerogatives of local governments and the property rights of private landowners to manage the use of the land. *Staff Contact: Jennifer Scott, x5-5744*

**Mr. Stokes and Ms. DeGette** may offer an amendment (#19) to fund the president's request of \$91.3 million for the "brownfields" program (the bill currently provides \$75 million) and strike language in the bill placing restrictions on the use of EPA brownfields funds. The bill currently stipulates that brownfields funds may be used only for grants to states, tribes, and local governments for site assessments, the development of brownfields and voluntary cleanup programs, and related EPA personnel and administrative costs. Brownfields are industrial or commercial sites that have been abandoned and sometimes are contaminated by toxic waste. *Staff Contact: Del Davis (Stokes), x5-3481; Nick Karamanos (DeGette), x5-4431*

**Messrs. Stokes and Kennedy (MA)** may offer an amendment (#18) to increase funding for Section 8 housing assistance vouchers as part of the welfare-to-work program by \$97 million and offset the increase by reducing funding for amendments to existing section 8 housing contracts by an equal amount. The increase in funding is expected provide an additional 17,200 vouchers (an increase from the bill's current level of 17,600 to 34,800). *Staff Contact: David Reich (Stokes), x5-3481; Scott Olson (Kennedy), x5-5111*

**Mr. Tiahrt** may offer an amendment (#7) to ensure that \$12.5 million of the funding appropriated for VA medical and prosthetic research (\$310 million for FY 1999) be made available for research on Gulf War illnesses. *Staff Contact: Jeff Kahrs, x5-6216*

**Mr. Tiahrt** may offer an amendment (#8) to ensure that \$25 million of the funding allocated for VA medical and prosthetic research (\$310 million for FY 1999) be made available for research on Gulf War illnesses. *Staff Contact: Jeff Kahrs, x5-6216*

**Mr. Vento** may offer an amendment (#9) to place certain notice filing requirements on owners of low-income housing who plan to terminate their low-income housing mortgages and convert their property for other means. Specifically, the amendment requires an owner of eligible low-income housing that intends to take certain action (i.e., filing a notice of intent with the HUD Secretary that the owner intends to terminate the low-income affordability restrictions through prepayment or voluntary termination, extend the low-income affordability restrictions of the housing, or transfer the housing to a qualified purchaser) to file a notice indicating the intent to take such action with the appropriate state or local housing authority and provide a copy of the notice to each tenant. The amendment exempts this requirement when (1) the prepayment or termination at issue is necessary to convert ownership to a priority purchaser; or (2) the owner has provided notice of an intended prepayment or termination on or before July 7, 1998. *Staff Contact: Mark Smith, x5-6631*

**Mr. Vento** may offer an amendment (#10) to increase funding for the emergency food and shelter program by \$30 million and offset the increase by reducing funding for the international space station program by \$43.5 million. The remaining funds will be allocated toward deficit reduction. *Staff Contact: Mark Smith, x5-6631*

**Mr. Vento** may offer an amendment (#11) to increase funding for the emergency food and shelter program by \$30 million and offset the increase by reducing funding for National Science Foundation research by \$107.4 million. The remaining funds will be allocated toward deficit reduction. *Staff Contact: Mark Smith, x5-6631*

**Mr. Waxman** may offer an amendment to clarify that certain bill provisions and committee report language restricting various EPA and Council on Environmental Quality actions does not prevent any action that is authorized by current law. Specifically, the restrictions in the bill will not apply to:

- \* developing or proposing regulations or rules prior to issuance. The measure currently prohibits funds in the bill from being used to develop, propose, or issue rules, regulations, decrees, or orders for the purpose of implementing the Kyoto Protocol on climate change;

- \* conducting educational outreach or informational seminars. The committee report directs the EPA and CEQ to refrain from conducting educational outreach or informational seminars on policies underlying the Kyoto Protocol until the Senate ratifies it. The committee expressed concern in the report that the EPA may be engaging in activity that is tantamount to lobbying in an effort to build public support for implementing the protocol;
- \* using “brownfields” funds. The bill currently stipulates that brownfields funds may be used *only* for site assessments, developing brownfields and voluntary cleanup programs, and related EPA personnel and administrative costs;
- \* issuing regulatory determinations for mercury emissions. The committee report directs the EPA to complete various studies before issuing rules limiting mercury emissions from utilities;
- \* using dredging as a remediation tool. The committee report directs the EPA to delay actions that allow dredging to be used as a remedial tool for removing contaminated sediments that contain PCBs in certain waters, until a study has been completed, distributed, and analyzed by all interested parties and Congress.
- \* implementing the Food Quality Protection Act (FQPA). The committee report directs the EPA to (1) establish public notice and comment when developing its pesticide residue risk assessment policies, (2) devote additional resources to increase the pace of registration actions and emergency exemptions, and (3) minimize the resources needed to review and issue emergency exemptions. The committee is concerned that EPA is not implementing the FQPA in a manner which expedites the registration of new pesticides, ensures the use of reliable data in calculating exposure to pesticide residues, and clearly explains the legal and scientific basis for its policies;
- \* implementing the regional haze program. The committee report recommends that the EPA fund the activities of up to eight multi-state visibility transport commissions (VTC), and that these VTCs prepare and begin implementing appropriate, comprehensive work plans, with a goal of completion by March 1, 1999. The committee expressed concern that the EPA is moving forward with a national rule on regional haze without adequately completing its obligations under the Clean Air Act;
- \* applying cleanup requirements for facilities licensed by the Nuclear Regulatory Commission (NRC). The committee report directs the EPA to continue its longstanding policy of not applying cleanup requirements for NRC-licensed and to spend no funds to enforce cleanup requirements at sites being remediated under regulatory requirements enforced through the NRC licensing procedure. ***Staff Contact: Greg Dotson, x5-3976***

**Additional Information:** See *Legislative Digest*, Vol. XXVII, #18, July 10, 1998

